

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.12, 307A.2, 321.182, 321.189 and 321.190, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 601, “Application for License,” Chapter 605, “License Issuance,” and Chapter 630, “Nonoperator’s Identification,” Iowa Administrative Code.

The proposed amendments form a comprehensive update of the Department’s rules affecting or involving the initial application for a driver’s license or nonoperator’s identification card to better implement and align with existing legal authority and Department practice and to eliminate outdated or irrelevant requirements or options and accommodate modern, electronic procedures for authenticating official documents and exchanging information. In addition, the proposed amendments relocate requirements regarding the application for duplicate licenses from Chapter 601 to Chapter 605, which specifically addresses the issuance of duplicate licenses in rule 761—605.11(321); clarify the manner in which the Department will determine the eligibility for licensing a person who has moved to Iowa but is subject to a license or driving sanction in another state; and clarify the process for documenting a change in sex designation to ensure that a formal change in sex designation is permitted only under standards consistent with standards set forth in the Iowa Code and maintained by the Iowa Department of Public Health, applied equally and consistently to all Iowa residents who request a change in the sex designation shown on a driver’s license or nonoperator’s identification card.

The following explains each item in the rule making:

- Item 1 amends subrule 601.1(3) to better and more consistently implement Iowa Code chapter 321C, Interstate Drivers License Compacts. Iowa Code chapter 321C generally promotes safety ensuring that drivers will face consistent consequences for driving infractions, regardless of the state in which the infraction occurs. The compact requires that a conviction a driver receives in another state be reported to the driver’s home record and be given the same effect as if the conviction occurred in the driver’s home state and requires the Department to determine at the time of application for a new license whether the applicant has ever held or currently holds a license issued by another state, and to refuse licensing if the applicant held a license issued by another state but the license has been suspended or revoked because of a violation and the suspension or revocation has not terminated. In this manner the compact ensures that unsafe drivers do not go undetected by accumulating convictions in other states or skipping from state to state. However, the compact also attempts to ensure the safe mobility of drivers that have legitimately moved from one state to another and to allow the new state to give effect to its driving and licensing laws by allowing the licensing authority to grant a new license if it has been more than one year from the date the license was revoked and the licensing authority has determined it is otherwise safe to grant the applicant a driving privilege.

The Department’s past practice did not fully realize the intent of the compact in two areas. First, the Department did not have a consistent method for determining whether a driver who had moved to Iowa from another state while under revocation in another state was safe to drive, and simply withheld licensing privileges so long as the driver was revoked in another state. This often left drivers who would otherwise be eligible if the offense had occurred in Iowa in limbo and without driving privileges until the revocation ended in the other state. Second, the Department interpreted this provision as only applying to a person who actually held a license in another state; if the person was subject to a revocation but never had a driving privilege, the Department refused to consider the application of the compact, which likewise left the person in limbo and without driving privileges until the out-of-state revocation ended. The proposed amendments remedy these issues by:

- o Clarifying that the Department interprets the compact as applying to persons who have held a license in another state as well as to persons who have never held a license, which ensures that the intent of the compact is consistently met for similarly situated persons.

- o Confirming that if the application shows the person's license or driving privilege was revoked by another state and at least one year has passed since the revocation was imposed, the applicant may be eligible for an Iowa license provided the Department determines it would be safe to grant the application in Iowa. To consistently make that determination, the Department will consider whether the applicant would be eligible for licensing if the violation had occurred in Iowa, will apply the same period of revocation as though the offense had occurred in Iowa, and will grant licensing if the Iowa period of revocation has expired, subject to the same limitations and restrictions that would be imposed on an Iowa driver (other than imposition of a civil penalty), and contingent upon the driver demonstrating adequate knowledge and skill to operate a motor vehicle safely and contingent further on the driver otherwise being physically and mentally capable of safely operating a motor vehicle. This part of the amendment better aligns licensing policy with the compact and better promotes safe mobility not only by ensuring out-of-state revocations are recognized and given effect but also by allowing a return to driving on the same terms and conditions that would apply to any Iowa license holder. The proposed amendment permits the Department to make further investigation or require further information if necessary.

- Item 2 clarifies that a participant in the "Safe at Home" program administered by the Iowa Secretary of State, which is an address confidentiality program for victims of domestic violence, sexual assault, trafficking, stalking, or violent crimes, may provide the participant's address designated by the Secretary of State when applying for a driver's license and aligns the Department's rules regarding proof of address to the Department's practice in implementing this program.

- Items 3 and 8 update implementation sentences within rules 761—601.1(321) and 761—605.11(321) to add Iowa Code section 321.13, which requires the Department to examine and determine the genuineness, regularity, and legality of every application made to the Department and which authorizes the Department to investigate or require additional information as needed to do so and to reject any application if the Department is not satisfied with the genuineness, regularity, or legality of the application or the truth of any statement made within the application, or for any other reason, when authorized by law.

- Items 4 and 11 add language to acknowledge an existing process under which an individual who has a license or nonoperator identification card from a foreign jurisdiction may not be required to surrender the license or card if Iowa has a letter of understanding with the foreign jurisdiction that allows the individual to retain the license or nonoperator identification card.

- Item 5 clarifies the proof required when a person is applying for a new driver's license. Specifically, the following amendments are proposed:

- o Paragraphs 601.5(1)"b," 601.5(5)"a" and 601.5(5)"b" are amended to acknowledge that many certified documents may no longer contain a raised seal but are still acceptable if the documents bear a certification of authenticity from the issuing agency or entity. These amendments allow the Department to accept more electronically issued documents in the future and avoid inconveniencing applicants who may not have access to a document that contains a raised seal.

- o Paragraph 601.5(1)"b" and subrules 601.5(6) and 601.5(7), regarding proof of identity and date of birth, are amended to encompass situations where an issuing agency issues an entirely new certificate of birth rather than an amended certificate of birth. This amendment ensures a properly issued certificate of birth will be accepted to document a change shown in the certificate regardless of whether the certificate is marked as amended or is issued as a new document, which will avoid inconvenience to applicants.

- o Subrule 601.5(2) is amended to include Internal Revenue Service Forms 1095-A, Health Insurance Marketplace Statement; 1095-B, Health Coverage; and 1095-C, Employer-Provided Health Insurance Officer and Coverage; to the list of documents that may be used to prove an applicant's social security number. This amendment will increase the documents an applicant may use to prove the applicant's social security number and decrease the chance that an applicant will not have access to an acceptable form of proof, which will also avoid inconvenience to applicants.

- o Subrule 601.5(5) is amended to eliminate an outdated requirement to submit an affidavit to prove a name change. Under the proposed amendments, an applicant who has changed the applicant's name need only provide the legal documents showing the name change to prove the change of name, without submitting a separate affidavit, and the applicant's request for the name change is captured electronically. This will avoid inconvenience to the applicant associated with completing a paper form and seeking a notary to attest to the application. The proposed amendment also provides that the documentation of a name change must include the applicant's legal name, rather than the applicant's "full" legal name, to encompass court orders which may include an applicant's middle initial rather than the applicant's full legal name. This ensures the Department's ability to accept all validly issued court orders for name change and avoids inconvenience to an applicant who might otherwise have to seek an amended order to include the applicant's full middle name where it has not changed.

- o Subrule 601.5(6) is amended to remove the provision allowing for a court-ordered change of date of birth. There is no known procedure for obtaining a court-ordered change of date of birth.

- o Subrule 601.5(7) is amended to ensure that the procedure for changing the sex designation on a person's driver's license remains consistent with the requirements of Iowa law and is applied on equal terms to all Iowa driver's license holders, whether born in Iowa or outside of Iowa. Iowa Code section 321.182 requires a driver's license applicant to provide the applicant's sex designation at the time of application, and Iowa Code section 321.189 requires the Department to include the applicant's sex on any driver's license issued. Policy on change of sex designation in Iowa is guided by Iowa Code section 144.23(3), which allows the state registrar to establish a new birth certificate for a person born in Iowa that shows a new sex designation when the person submits a notarized affidavit from a licensed physician and surgeon or osteopathic physician and surgeon stating that by reason of surgery or other treatment, the sex designation of the person has been changed. The existing subrule 601.5(7) recognizes this process by allowing a license holder to change the sex designation that appears on the license by presenting an amended birth certificate, and also allows a license holder to change the sex designation that appears on the license by presenting a court-order change of sex designation. However, the existing subrule has produced unequal and inconsistent results for two reasons. First, the option to present an amended birth certificate has excluded similarly situated persons who were not born in Iowa, as not all states have a procedure for amending or changing a birth certificate to reflect a new sex designation. Second, the option to present a court order for change of sex designation, which was intended only to accommodate the possibility that other states might allow a change of sex designation by court order, has been mistakenly construed by some Iowa judges as creating a cause of action in Iowa for a court-ordered change of sex designation that does not otherwise exist in Iowa law, resulting in court orders for change of sex designation that lack proper legal basis or consistent standard. To correct these deficiencies, the proposed amendment to subrule 601.5(7) eliminates the option to prove change of sex designation by court order and inserts a proof structure that treats license holders born either in or outside of Iowa equally and holds them to the same standard that the Iowa Department of Public Health follows for individuals seeking to amend or acquire a new birth certificate that reflects a change of sex designation. The proposed amendment clarifies that a license holder born in Iowa who wishes to change the sex designation on the license must present a new Iowa birth certificate that changes the sex designation, which the state registrar issues according to the standards set forth in Iowa Code section 144.23(3) and Iowa Department of Public Health's rule 641—99.20(144). A person born outside of Iowa must either present a properly amended or new identity document other than an Iowa birth certificate (a birth certificate from the birth state, Consular Report of Birth Abroad, or Certificate of Citizenship) that documents the sex designation change, or may present a notarized affidavit from a licensed physician and surgeon or osteopathic physician and surgeon stating that by reason of surgery or other treatment, the sex designation has been changed. The standards and requirements adopted for proof of change of sex designation by presentation of a notarized affidavit are identical to those set forth in Iowa Department of Public Health's rule 641—99.20(144), which ensures that similarly situated persons have equal opportunity to change the sex designation on their licenses, regardless of whether they were born in or outside of Iowa, but only within the standards for change of sex designation set forth in Iowa Code section 144.23(3). To ensure accurate and consistent application, the proposed amendment to the subrule

allows the Department to make further inquiry or investigation when necessary, requires the application for change and all documentation to be submitted centrally to Driver and Identification Services, and confirms that the change of sex designation does not effect a name change unless the license holder verifies a legal name change following the procedures in subrule 601.5(5).

- Item 6 updates rule 761—601.6(321), previously specific to parental consent, to accurately reflect that either a parent, guardian or custodian of a child may provide consent to issue a driver's license or permit to a minor. This change properly aligns the content of this rule with the content of Iowa Code section 321.184 and with the Department's practice. The proposed amendment also removes the requirement that the form documenting the parent's consent be notarized and instead provides that the consent shall be verified by certification under penalty of perjury. Iowa Code section 321.184 does not require notarization, and removing this requirement avoids inconvenience to applicants associated with seeking a notary to complete the form and allows this document to be executed electronically in the future. Item 9 updates subrule 630.2(2) to make a coordinating amendment to accurately reflect that a parent, guardian or custodian of a child may provide consent to issue a nonoperator's identification card to a minor.

- Items 7 and 12 simplify the requirements for obtaining a duplicate (replacement) license or nonoperator's identification card for one that is lost, stolen, or destroyed. The Department's rules previously required an applicant who needed a duplicate license or card to provide the same documents to prove legal name, date of birth and social security number that an applicant applying for a new license or card must provide. Requiring the applicant to again provide these documents is not necessary, however, because the Department already has this documentation on file for the applicant and can verify legal name, date of birth and social security number, based on information provided by the applicant, and can additionally verify the applicant's identity based on the applicant's photos on file and through the use of facial recognition technology. Accordingly, the amendments to Items 7 and 12 eliminate the requirement to re-present these proofs when an applicant requests a duplicate license or card. The amendments confirm that the Department is allowed to conduct further investigation if necessary to verify the applicant's identity and provide that the duplicate license or card shall not be issued if the applicant's identity is questionable, cannot be determined or otherwise does not match the identity of record. The updated language also provides that if the name, date of birth or social security number has changed since the previous license or card was issued, the applicant shall provide proof of the change as required by subrule 605.11(2).

- Item 10 strikes the outdated requirement that the county number indicating the county of residence appear on the nonoperator's identification card.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Strategic Communications and Policy, 800 Lincoln Way, Ames, Iowa 50010; e-mail: tracy.george@iowadot.us.
5. Be received by the Department's rules administrator no later than October 3, 2017.

A meeting to hear requested oral presentations is scheduled for Thursday, October 5, 2017, at 2:30 p.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 321.13, 321.182, 321.184, 321.189, 321.190, 321.195 and 321C.1.

The following amendments are proposed.

ITEM 1. Amend subrule 601.1(3) as follows:

601.1(3) *Out-of-state verification.* Upon application for a driver's license, the department shall ascertain whether the applicant has ever held, or is the holder of, a driver's license issued by any other state.

a. The department shall not issue a driver's license to the applicant if:

(1) The applicant has held a driver's license issued by any other state, but the driver's license has been suspended by reason, in whole or part, of a violation and if such suspension period has not terminated.

(2) The applicant has held a driver's license issued by any other state, but the driver's license has been revoked by reason, in whole or part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, the applicant may make application for a new license if permitted by law. The department may refuse to issue a license to any such applicant if, after investigation, the department determines that it will not be safe to grant such applicant the privilege of driving a motor vehicle on the highways.

(3) The applicant is the holder of a driver's license issued by another state and currently in force, unless the applicant surrenders such license.

b. If the applicant is subject to subparagraph 601.1(3) "a"(2) or has committed an offense or acted in a manner in another state which in Iowa would be grounds for revocation and it has been more than one year from the date the license or driving privilege was revoked, the department may issue the applicant a driver's license only upon such terms and conditions and subject to such restrictions or limitations as if the violation had been committed and the revocation imposed in Iowa. The department shall delay licensing or restrict licensing for such period of time that the applicant would be ineligible for a driving privilege or subject to a restricted driving privilege if the violation had been committed and the revocation imposed in Iowa.

(1) For purposes of determining whether it is safe to grant the applicant a driving privilege, an applicant may be determined to be safe only if the department determines all of the following:

1. The applicant has satisfied the same requirements for the grant of a driving privilege if the violation had been committed and the revocation imposed in Iowa.

2. The applicant is otherwise physically and mentally capable of safely operating a motor vehicle.

(2) However, the department shall not assess a civil penalty to the applicant as a condition of licensing under this subrule.

(3) Pursuant to Iowa Code section 321.13, the department may make further investigation or require further information necessary to determine whether it is safe to grant the applicant a driving privilege.

c. If ~~a person~~ the applicant is licensed in another licensing jurisdiction state but does not have a current out-of-state license to surrender, the department may require an official letter from the out-of-state licensing agency before issuing a license. The official letter must verify verification of the person's applicant's driving record from the state of record, which may be accomplished electronically where possible, to assist the department in determining whether it is safe to grant the person applicant a license.

ITEM 2. Amend subrule 601.1(6) as follows:

601.1(6) *Address.* The applicant shall provide the applicant's current residential address and the applicant's current mailing address, if different from the applicant's current residential address. The applicant shall not provide as a mailing address an address for which a forwarding order with the United States Postal Service is in place. Notwithstanding anything in subrule 601.1(6), an applicant who is a participant in the "safe at home" address confidentiality program administered by the Iowa secretary of state may submit a designated address issued to the applicant by the Iowa secretary of state as the applicant's residential and mailing address.

ITEM 3. Amend rule **761—601.1(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.13, 321.182, 321.196 and 321C.1, Article V, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

ITEM 4. Amend rule 761—601.2(321) as follows:

761—601.2(321) Surrender of license and nonoperator's identification card. An applicant for a driver's license shall surrender all other driver's licenses and nonoperator's identification cards. This includes those issued by ~~jurisdictions~~ a state other than Iowa or a foreign jurisdiction, unless otherwise provided in a letter of understanding or other written memorialization of reciprocity or understanding. An applicant who renews a driver's license electronically pursuant to 761—subrule 605.25(7) shall destroy the previous driver's license upon receipt of the renewed driver's license.

This rule is intended to implement Iowa Code section 321.182.

ITEM 5. Amend rule 761—601.5(321) as follows:

761—601.5(321) Proofs submitted with application. A person who applies for a new Iowa driver's license or nonoperator's identification card ~~or a duplicate license or card to replace one that is lost, stolen or destroyed,~~ including a person who currently holds a license or card issued by another state or foreign jurisdiction, shall submit proof of identity, date of birth, social security number, Iowa residency and current residential address, and lawful status in the United States.

601.5(1) Verification of identity and date of birth. To establish identity and date of birth, an applicant must submit at least one of the following documents. The department may require additional documentation if the department believes that the documentation submitted is questionable or if the department has reason to believe that the person is not who the person claims to be.

a. No change.

b. A certified copy of a birth certificate and, if applicable, a certified amended or new birth certificate showing a change in name, date of birth, or sex, filed with a state office of vital statistics or equivalent agency in the applicant's state of birth. The birth certificate must ~~be a certified copy and have the stamp or raised seal of~~ bear the issuing authority's certification of authenticity. A hospital-issued certificate is not acceptable. As used herein, "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

c. to k. No change.

601.5(2) Verification of social security number.

a. Except as provided in paragraph 601.5(2)"b," an applicant must present the applicant's Social Security Administration's account number card; or if a social security account number card is not available, the applicant may present any of the following documents bearing the applicant's social security number:

(1) to (4) No change.

(5) An Internal Revenue Service Form 1095-A, 1095-B or 1095-C.

b. No change.

601.5(3) and 601.5(4) No change.

601.5(5) Verification of name change. The name listed on the driver's license or nonoperator's identification card that is issued shall be identical to the name listed on the identity document submitted unless the applicant submits ~~an affidavit of name change on Form 430043. The affidavit must be accompanied by~~ the chain of legal documents necessary to show the legal change of the applicant's name from the identity document submitted to the applicant's current legal name listed on the affidavit. The following documents are acceptable:

a. Court-ordered name change. A court order must contain the applicant's prior ~~full~~ legal name, the applicant's court-ordered ~~full~~ legal name, the applicant's date of birth, and the ~~official court seal~~ court's certification of authenticity. Acceptable court orders include orders under petition for name

change, orders for name change set forth in a decree of dissolution, and orders for name change set forth in a decree of adoption.

b. Marriage Certified copy of marriage certificate. The marriage certificate must be filed with a state office of vital statistics or equivalent agency in the person's state or country of marriage. The certificate must ~~be a certified copy and have the stamp or raised seal of~~ bear the issuing authority's certification of authenticity. A church, chapel or similarly issued certificate is not acceptable. As used herein, "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

601.5(6) *Verification of change of date of birth.* The date of birth listed on the driver's license or nonoperator's identification card that is issued shall be identical to the date of birth listed on the identity document submitted unless the applicant submits a certified amended or new birth certificate that documents the change of date of birth and that meets the requirements of paragraph 601.5(1) "*b*," or ~~submits a court-ordered date of birth change. The court order must contain the applicant's full legal name, the applicant's prior date of birth, the applicant's court-ordered date of birth, and official court seal.~~ 601.5(1) "*b*."

601.5(7) *Verification of change of sex designation.* The sex designation listed on the driver's license or nonoperator's identification card that is issued shall be identical to the sex designation listed on the identity document submitted unless the applicant ~~submits~~ does one of the following:

a. Applicants born in Iowa. An applicant born in Iowa must submit a certified amended or new Iowa birth certificate that documents the change of sex designation and that meets the requirements of paragraph 601.5(1) "*b*," or submits a court-ordered change of sex designation. The court order must contain the applicant's full legal name, the applicant's date of birth, the applicant's prior sex designation, the applicant's court-ordered sex designation, and official court seal. 601.5(1) "*b*."

b. Applicants born outside of Iowa.

(1) An applicant born outside of Iowa may document the change of sex designation by any of the following methods:

1. Submit a certified amended or new birth certificate from a state other than Iowa that documents the change of sex designation and that meets the requirements of paragraph 601.5(1) "*b*."

2. Submit an amended or new Consular Report of Birth Abroad that documents the change of sex designation and meets the requirements of paragraph 601.5(1) "*c*."

3. Submit an amended or new Certificate of Citizenship that documents the change of sex designation and meets the requirements of paragraph 601.5(1) "*h*."

4. Submit a notarized affidavit from a physician and surgeon or osteopathic physician and surgeon that documents all of the following:

- The physician and surgeon or osteopathic physician and surgeon completed sex designation treatment for the applicant.

- A description of the medical procedures that constituted the treatment.

- As a result of the treatment, the applicant's sex designation was permanently changed by surgery or other treatment.

- The physician and surgeon or osteopathic physician and surgeon's full name, address, state of medical license, and medical license number.

(2) Pursuant to Iowa Code section 321.13, the department may make further investigation or require further information necessary to determine whether a change of sex designation occurred.

c. Documentation. Documentation provided under this subrule shall be submitted to Driver and Identification Services, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa, 50306-9204.

d. Name change. A change of sex designation shall not effect a name change unless the applicant verifies a name change pursuant to subrule 601.5(5).

This rule is intended to implement Iowa Code sections 321.13, 321.182 and 321.189, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

ITEM 6. Amend rule 761—601.6(321) as follows:

761—601.6(321) Parental Parent's, guardian's or custodian's consent. ~~An~~ The application of an unmarried person under the age of 18 ~~who applies for an Iowa license shall submit parental consent and birth date confirmation on~~ years shall contain the verified consent and confirmation of the applicant's birthday and shall be signed by either parent of the applicant, the guardian of the applicant, or a person having custody of the applicant under Iowa Code chapter 232 or 600A. Consent and confirmation shall be proved by submission of Form 430018, Parent's ~~Written~~, Guardian's or Custodian's Consent to Issue ~~Privilege to Drive or Affidavit to Obtain Duplicate Driver's License or Permit~~, or its equivalent in an electronic format to be determined by the department. ~~The parent's signature must be notarized; however, in lieu of notarization it may be witnessed by a driver's license examiner or clerk.~~ The signature, which may be electronic, shall be dated and shall be subject to the following verification or its equivalent: "I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct." No exception shall be made for ~~parental~~ the parent's, guardian's or custodian's absence from Iowa. A married person under the age of 18 ~~years~~ shall submit ~~an original or certified copy of a marriage certificate that meets the requirements of paragraph 601.5(5) "b"~~ to avoid submission of the consent form.

This rule is intended to implement Iowa Code section 321.184.

ITEM 7. Amend subrule 605.11(1) as follows:

605.11(1) Lost, stolen or destroyed license. To replace a valid license that is lost, stolen or destroyed, the licensee shall ~~comply with the requirements of 761—601.5(321)~~ provide the licensee's full legal name, date of birth, and social security number, all of which must be verified by the department, and pay the replacement fee. ~~A licensee subject to 761—paragraph 601.5(2) "b" shall provide the applicant's U.S. Customs and Immigration Services number, which must be verified by the department.~~ The department may investigate or require additional information as may be reasonably necessary to determine that the licensee's identity matches the identity of record and shall not issue the replacement license if the licensee's identity is questionable, cannot be determined, or otherwise does not match the identity of record. If the licensee's current residential address, name, date of birth, or sex designation has changed since the previous license was issued, the licensee shall comply with subrule 605.11(2).

ITEM 8. Amend rule **761—605.11(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.13, 321.189, 321.195 and 321.208, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

ITEM 9. Amend subrule 630.2(2) as follows:

630.2(2) The applicant shall present proof of identity, date of birth, social security number, Iowa residency, current residential address and lawful status as required by rule 761—601.5(321). Submission of ~~parental~~ parent's, guardian's or custodian's consent is also required in accordance with rule 761—601.6(321).

ITEM 10. Amend subrule 630.2(3) as follows:

630.2(3) The nonoperator's identification card shall be coded for identification only, as explained on the reverse side of the card. ~~The county number shall indicate the county of residence.~~ The card shall expire eight years from the date of issue. A card issued to a person who is a foreign national with temporary lawful status shall be issued only for the length of time the person is authorized to be present in the United States as verified by the department, not to exceed two years. However, if the person's lawful status as verified by the department has no expiration date, the card shall be issued for a period of no longer than one year.

ITEM 11. Amend subrule 630.2(11) as follows:

630.2(11) An applicant for a nonoperator's identification card shall surrender all other driver's licenses and nonoperator's identification cards, other than a temporary permit held under Iowa Code section 321.181. This includes any driver's licenses or nonoperator's identification cards issued by ~~jurisdictions~~ a state other than Iowa or a foreign jurisdiction, unless otherwise provided in a letter of

understanding or other written memorialization of reciprocity or understanding. An applicant who renews a nonoperator's identification card electronically pursuant to subrule 630.2(10) shall destroy the previous nonoperator's identification card upon receipt of a renewed nonoperator's identification card.

ITEM 12. Amend subrule 630.3(1) as follows:

630.3(1) *Lost, stolen or destroyed card.* To replace a nonoperator's identification card that is lost, stolen or destroyed, the cardholder shall ~~comply with the requirements of 761—601.5(321)~~ provide the cardholder's full legal name, date of birth, and social security number, all of which must be verified by the department, and pay the replacement fee. A cardholder subject to 761—paragraph 601.5(2) "b" shall provide the applicant's U.S. Customs and Immigration Services number, which must be verified by the department. The department may investigate or require additional information as may be reasonably necessary to determine that the cardholder's identity matches the identity of record and shall not issue the replacement card if the cardholder's identity is questionable, cannot be determined, or otherwise does not match the identity of record. If the cardholder's current residential address, name, date of birth, or sex designation has changed since the previous card was issued, the cardholder shall comply with 761—subrule 605.11(2).

ITEM 13. Amend **761—Chapter 630**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.13, 321.189, 321.190, 321.195, 321.216, 321.216A, 321.216B and 321.216C, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.